

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TONY A. RICHARDSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:18-CV-1952 NAB
)	
DG FOODS, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on multiple motions to dismiss filed by Plaintiffs and Defendants. [Docs. 5, 10, 14, 26, 27] All of the motions will be denied as moot.

Plaintiffs originally filed this action in Missouri state court on August 13, 2018. [Doc. 4] On September 21, 2018, Defendants Mark Baumann and DG Foods, Inc. filed a Motion to Dismiss the original complaint. [Doc. 5] Plaintiffs then filed an Amended Petition on October 23, 2018, alleging employment discrimination under Title VII of the Civil Rights Act of 1964. [Doc. 7] Defendants then removed the action to this Court on November 19, 2018. [Doc. 1] Defendants Baumann and DG Foods then filed a partial Motion to Dismiss the First Amended Petition. [Doc. 10] Defendant Keisha Sohn filed a Motion to Dismiss the First Amended Petition on November 23, 2018. [Doc. 14]

On December 20, 2018, the Court granted Plaintiffs' motion to file an amended complaint and an extension of time to respond to the Defendants' motions to dismiss. [Doc. 23] Defendants Baumann and DG Foods had previously notified the Court that they did not object to the filing of the filing of an amended complaint or the request for an extension of time. [Doc. 22] On January 7, 2019, Plaintiff filed a Second Amended Complaint naming only Defendant

DG Foods as a defendant. Plaintiff also filed a Motion to Dismiss Certain Claims and a Motion to Dismiss Defendants Baumann and Sohn.

“It is well-established that an amended complaint [supersedes] an original complaint and renders the original complaint without legal effect.” *In re Wireless Tel. Fed. Recovery Fees Litig.*, 396 F. 3d 922, 928 (8th Cir. 2005) (citing *In re Atlas Van Lines, Inc.*, 209 F.3d 1064, 1067 (8th Cir. 2000)). The Second Amended Complaint addresses the substantive arguments of the motions to dismiss. Therefore, all of the motions to dismiss are now moot.

Accordingly,

IT IS HEREBY ORDERED that the parties’ motions to dismiss are **DENIED AS MOOT**. [Docs. 5, 10, 14, 26, 27]

IT IS FURTHER ORDERED that an Order Setting Rule 16 Conference will be filed contemporaneously with this Memorandum and Order.

IT IS FURTHER ORDERED that the Clerk of Court shall dismiss Defendants Mark Baumann and Keisha Sohn, who are no longer parties as of the filing of the Second Amended Complaint.

Dated this 22nd day of January, 2019.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE